

**REMARKS**

Applicants have added new claims 67-72. No new matter has been added. Claims 1-72 are pending. Applicants respectfully request entry of this Amendment and prompt reconsideration and allowance of the application.

**Claim Rejections Under 35 U.S.C. § 102(e)**

Claims 1-5, 11-15, 22-25, 27-31, 38-40, 43-45, 48-50, 52-55, 58-60, and 63 were rejected under 35 U.S.C. § 102(e) based on U.S. Patent No. 6,391,209 to Belongia et al. ("Belongia").

Applicants respectfully request the Examiner to withdraw the claim rejection based on Belongia.

Regarding claims 1 and 53, Applicants respectfully submit that the rejection should be withdrawn because Belongia does not teach or suggest the system and method as claimed. In particular, Belongia does not teach or suggest a system or method including, among other subject matter, a flow path providing flow from a first vessel to a second vessel, wherein the flow path is configured such that the flow is caused by gravity, as recited in claims 1 and 53.

The Office Action cites reference numerals 11 and 16 of Belongia for the asserted disclosure of the first and second processing vessels, respectively. Further, the Examiner relied on col. 6, line 14 of Belongia for the asserted disclosure of a flow path configured such that flow from the first vessel to the second vessel is caused by gravity. Applicants respectfully submit that even if reference numerals 11 and 16 could be considered to be the first and second processing vessels, respectively, nothing in

Belongia discloses flow from recycling system 11 to organic scavenger 16 caused by gravity. Instead, Belongia discloses:

“[A]s shown in FIG. 1, there is a plating system comprising a plating reservoir 1, having an outlet 2 which is fed by pump 3, gravity or other such means to the plating tool 4.”

Belongia, col. 6, lines 12-15. This disclosure of Belongia merely relates to the flow of fluid between plating reservoir 1 and plating tool 4, not any flow from recycling system 11 to organic scavenger 16, as the Examiner asserts. Nothing in the reference supplies any teaching or disclosure of gravity flow from the recycling system 11 to the organic scavenger 16. Accordingly, the rejection of claims 1 and 53 based on Belongia should be withdrawn.

Regarding claim 38, Applicants respectfully submit that the rejection should be withdrawn because Belongia does not teach or suggest a second processing vessel arranged such that an inlet of the second processing vessel is lower than an inlet of a first processing vessel, as recited in claim 38. As with claims 1 and 53, the Examiner cited reference numerals 11 and 16 of Belongia for the asserted disclosure of the first and second processing vessels, respectively. Further, the Examiner relied on Fig. 1 for the asserted disclosure of the inlet of the second processing vessel being lower than the inlet of the first processing vessel. Office Action, pages 5 and 6. Applicants respectfully submit that nothing in Belongia, including Fig. 1, teaches or suggests a second processing vessel arranged such that an inlet of the second processing vessel is lower than an inlet of a first processing vessel.

Drawings and pictures can anticipate claims only if they *clearly show* the structure that is claimed. See M.P.E.P. 2125, citing *In re Mraz*, 455 F.2d 1069 (CCPA

1972) (emphasis added). Furthermore, a drawing must show all the claimed structural features and how they are put together. *Id.* citing *Jockmus v. Leviton* 28 F.2d 812 (2d Cir. 1928). Fig. 1 of Belongia merely shows a schematic illustration of items. Nothing in the reference provides any indication that Fig. 1 shows the relative vertical positions of any of those items. For example, Fig. 1 could possibly be illustrating items that are all in the same vertical plane and/or the schematic representation might not relate at all to the relative vertical orientation of items such as the recycling system 11 and organic scavenger 16. Consequently, Fig. 1 does not disclose that the inlet to recycling system 11 is higher than the inlet to organic scavenger 16. Accordingly, Applicants respectfully submit that the rejection of claim 38 should be withdrawn.

For the reasons discussed above, the § 102(e) rejections applied to claims 1, 38, and 53 should be withdrawn. Since the other claims rejected under 35 U.S.C. § 102(e) depend from one of those claims, the rejections applied to the dependent claims should also be withdrawn.

#### **Claim Rejections Under 35 U.S.C. § 103(a)**

Claims 6-10, 16-21, 26, 32-37, 41, 42, 46, 47, 51, 56, 57, 61, 62, and 64-66 were rejected under 35 U.S.C. § 103(a) based on Belongia in combination with U.S. Patent No. 6,299,753 to Chao et al. and/or U.S. Patent No. 4,025,426 to Anderson et al. These claims depend from one of claims 1, 38, and 53 and should therefore be allowable for at least the same reasons claims 1, 38, and 53 are allowable.

Furthermore, those claims should be allowable because the Office Action does not set forth a *prima facie* case of obviousness.

### Conclusion

Applicants submit that the present application should be in condition for allowance. If a conversation might advance prosecution, the Examiner is invited to call the undersigned (202-408-4157).

The Office Action contains numerous statements reflecting characterizations about the invention(s), the claims, and the related art with which Applicants do not necessarily agree. Regardless of whether any such statement or characterization is discussed above, Applicants decline to subscribe to any statement or characterization in the Office Action.

If any additional fees are due in connection with the filing of this response, please charge the fee to our Deposit Account No. 06-0916. If an extension of time under 37 C.F.R. § 1.136 is required and is not accounted for above, such extension is requested and the fee should also be charged to our Deposit Account.

Respectfully submitted,

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